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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	CASE NO. CR 13-0794 WHA
)	
v.)	
)	STIPULATION RE SENTENCING AND
DAVID MARTINEZ,)	JUDGMENT
)	
Defendant.)	
)	
)	
)	

After the sentencing of defendant David Martinez on April 28, 2015, the parties and probation noticed a small error in what was said on the record with respect to the term of supervised release for one of the counts of conviction. Mr. Martinez was convicted and sentenced on Counts One (18 U.S.C. § 1962(d) - RICO Conspiracy), Four (18 U.S.C. § 924(c) – Carrying/Using a Firearm in Furtherance of a Crime of Violence), Seven (21 U.S.C. § 846 – Conspiracy to Distribute/Possess with Intent to Distribute More than 50 Grams of Methamphetamine); and Fourteen (18 U.S.C. § 1951(a) – Robbery Affecting Interstate Commerce). At the sentencing hearing, the Court stated, and the parties and probation did not object, that Mr. Martinez should have a 5 year term of supervised release which would run concurrent on all counts. The proper disposition should be a 5 year term of supervised release for Counts One,

Four, and Seven, and a 3 year term of supervised release for count Fourteen, all to run concurrently. This change would have no effect on the sentence of Mr. Martinez, but it would at least correct the record.

Defense counsel has also requested that the judgment include a recommendation that Mr. Martinez be housed locally, if possible. The government and probation have no objection to that recommendation.

At the conclusion of the sentencing, the government did not orally move to dismiss the open charges against Mr. Martinez. The government hereby moves and the parties stipulate to dismiss Counts Two, Three, Eight, Nine, Ten, Eleven, and Thirteen of the Indictment against Mr. Martinez.

The parties and probation have no objection to having these changes be reflected in the judgment.

IT IS SO STIPULATED.

DATED: April 30, 2015

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/


MARC PRICE WOLF
DAMALI TAYLOR
Assistant United States Attorneys

/s/

MARTÍN SABELLI
Attorney for Defendant David Martinez.

IT IS SO ORDERED.

DATE: May 5, 2015.


WILLIAM ALSUP
United States District Judge